

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Defendant.

Adv. Pro. No. 08-01789 (SMB)

SIPA LIQUIDATION

(Substantively Consolidated)

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the Liquidation
of Bernard L. Madoff Investment Securities LLC,

Plaintiff,

v.

INTESA SANPAOLO SPA (AS SUCCESSOR IN
INTEREST TO BANCA INTESA SPA),
EURIZON CAPITAL SGR SPA (AS
SUCCESSOR IN INTEREST TO EURIZON
INVESTIMENTI SGR SPA, F/K/A NEXTRA
INVESTMENT MANAGEMENT SGR SPA, AND
EURIZON ALTERNATIVE INVESTMENTS
SGR SPA, FKA NEXTRA ALTERNATIVE
INVESTMENTS SGR SPA), EURIZON LOW
VOLATILITY F/K/A NEXTRA LOW
VOLATILITY, EURIZON LOW VOLATILITY II
F/K/A NEXTRA LOW VOLATILITY II,
EURIZON LOW VOLATILITY PB F/K/A
NEXTRA LOW VOLATILITY PB, EURIZON
MEDIUM VOLATILITY F/K/A NEXTRA
MEDIUM VOLATILITY, EURIZON MEDIUM
VOLATILITY II F/K/A NEXTRA MEDIUM
VOLATILITY II, EURIZON TOTAL RETURN
F/K/A NEXTRA TOTAL RETURN,

Adv. Pro. No. 12-01680 (SMB)

**CERTIFICATION TO COURT OF
APPEALS BY ALL PARTIES¹**

¹ This certification complies with Official Bankruptcy Form 424.

Defendants.

A notice of appeal having been filed in the above-styled matter on March 16, 2017 (ECF No. 80), Irving H. Picard (the “Trustee”), as trustee of the substantively consolidated liquidation proceeding of Bernard L. Madoff Investment Securities LLC (“BLMIS”), under the Securities Investor Protection Act (“SIPA”), 15 U.S.C. §§ 78aaa, *et seq.*, and the estate of Bernard L. Madoff, individually, and Intesa Sanpaolo SpA (as successor in interest to Banca Intesa SpA), Eurizon Capital SGR SpA (as successor in interest to Eurizon Investimenti SGR SpA, f/k/a Nextra Investment Management Sgr SpA, and Eurizon Alternative Investments SGR SpA, f/k/a Nextra Alternative Investments SGR SpA), Eurizon Low Volatility f/k/a Nextra Low Volatility, Eurizon Low Volatility II f/k/a Nextra Low Volatility II, Eurizon Low Volatility PB f/k/a Nextra Low Volatility PB, Eurizon Medium Volatility f/k/a Nextra Medium Volatility, Eurizon Medium Volatility II f/k/a Nextra Medium Volatility II, and Eurizon Total Return f/k/a Nextra Total Return², who are the appellant and all the appellees, hereby certify to the court under 28 U.S.C. § 158(d)(2)(A) that a circumstance specified in 28 U.S.C. § 158(d)(2) exists as stated below.

Leave to appeal in this matter:

- ☐ is required under 28 U.S.C. § 158(a)
☒ is not required under 28 U.S.C. § 158(a)

This certification arises in an appeal from a final judgment, order, or decree of the United States Bankruptcy Court for the Southern District of New York entered on March 6, 2017 (ECF No. 79).

² The Complaint characterizes Eurizon Low Volatility, Eurizon Low Volatility II, Eurizon Low Volatility PB, Eurizon Medium Volatility, Eurizon Medium Volatility II, and Eurizon Total Return each as an Italian “fondo comune di investimento,” which is not a legal entity under Italian law. The assets of these funds were managed and promoted by the asset manager, Eurizon Capital. Moreover, prior to the filing of the Complaint, the assets of Eurizon Low Volatility II and Eurizon Low Volatility PB were merged into Eurizon Low Volatility, and the assets of Eurizon Medium Volatility II were merged into Eurizon Medium Volatility. On August 1, 2013, the assets of Eurizon Medium Volatility and Eurizon Total Return were merged into Eurizon Low Volatility. Accordingly, the only fund that exists today, and which is currently managed by Eurizon Capital, is Eurizon Low Volatility.

An immediate appeal from the judgment, order, or decree may materially advance the progress of the case or proceeding in which the appeal is taken. See 28 U.S.C. § 158(d)(2)(A)(iii).

SIGNED: April 4, 2017
New York, New York

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SIPA Liquidation of Bernard L. Madoff
Investment Securities LLC and the Estate of
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Volatility II f/k/a Nextra Medium Volatility
II, and Eurizon Total Return f/k/a Nextra
Total Return*

